

AMENDED IN SENATE AUGUST 18, 2003

AMENDED IN SENATE JULY 2, 2003

AMENDED IN ASSEMBLY APRIL 23, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1576

Introduced by Assembly Member Liu

February 21, 2003

An act to amend Sections 19210, 19211, 19212, 19213, 19215, and 19216 of the Health and Safety Code, relating to water heaters.

LEGISLATIVE COUNSEL'S DIGEST

AB 1576, as amended, Liu. Water heaters: earthquakes.

(1) Existing law requires all new, replacement, and existing residential water heaters to be braced, anchored, or strapped to resist falling or horizontal displacement due to earthquake motion, as specified.

This bill would require ~~written rental agreements~~ *any written or oral agreement to rent or lease residential property* executed on or after July 1, 2004, to contain a specified disclosure of this requirement and would require existing tenants to be given the same disclosure. The bill would prohibit eviction based solely on this requirement. Because violation of these provisions relating to earthquake protection is punishable as a misdemeanor under other provisions, this bill would impose a state-mandated local program by changing the definition of a crime.

The bill ~~also would~~ *would also provide that the owner or the owner's agent has the right to correct specified violations of those provisions*

that are deemed to be a nuisance and would also make technical changes to these provisions.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19210 of the Health and Safety Code is
2 amended to read:
3 19210. (a) The Legislature finds and declares that there
4 exists a serious threat of fire, explosion, or electrocution to the
5 people of California from water heaters that overturn or
6 experience damage to the plumbing or electrical wiring during an
7 earthquake, and that a large number of structures will suffer
8 damage from water heaters due to the lack of adequate strapping
9 or bracing.
10 (b) The Legislature further finds and declares that it is the goal
11 of the State of California to reduce earthquake hazards in this state.
12 (c) The Legislature further finds and declares that the original
13 state policy goal of having all water heaters strapped or properly
14 anchored by the year 2000 has not been achieved, thereby
15 exposing the residents of California to a continuing serious risk of
16 injury or damage from water heaters overturned or demolished
17 during earthquakes.
18 (d) The Legislature further finds and declares that occupants of
19 rental housing in this state are vulnerable to the threat of fire,
20 explosion, or electrocution from water heaters that overturn or
21 experience damage during an earthquake, and are not authorized
22 to strap, brace, or anchor water heaters in their units without the
23 owner's advance approval, thus exposing them to hazardous
24 conditions that they cannot mitigate.
25 (e) It is the intent of the Legislature that compliance with
26 ~~Section 19212.5~~ 19211 shall not result in the displacement of
27 existing households.

SEC. 2. Section 19211 of the Health and Safety Code is amended to read:

19211. (a) Notwithstanding Section 19100, all new and replacement water heaters, and all existing residential water heaters, shall be braced, anchored, or strapped to resist falling or horizontal displacement due to earthquake motion. At a minimum, any water heater shall be secured in accordance with the California Plumbing Code, or modifications made thereto by a city, county, or city and county pursuant to Section 17958.5.

(b) The seller of any real property containing a water heater shall certify to the prospective purchaser that this section has been complied with. This certification shall be made in writing, and may be included in existing transactional documents, including, but not limited to, the Homeowner's Guide to Earthquake Safety published pursuant to Section 10149 of the Business and Professions Code, a real estate sales contract or receipt for deposit, or a transfer disclosure statement pursuant to Section 1102.6 or 1102.6a of the Civil Code.

~~(c) Every written rental or lease agreement for residential~~

~~(c) Prior to the execution of any written or oral agreement to rent or lease residential property executed on or after July 1, 2004, shall disclose the landlord or the landlord's agent shall disclose in writing the following:~~

EXISTING LAW REQUIRES THAT ALL EXISTING RESIDENTIAL WATER HEATERS BE BRACED, ANCHORED, OR STRAPPED TO RESIST FALLING OR HORIZONTAL DISPLACEMENT DUE TO EARTHQUAKE MOTION.

THE WATER HEATER SERVICING THE SUBJECT RESIDENTIAL RENTAL PROPERTY UNIT IS BRACED,

ANCHORED, OR STRAPPED. ~~//YES~~ ~~——~~ ~~//NO~~ ()
YES () NO

~~(d) If a written rental agreement has been entered into that is in existence~~

(d) For any written or oral agreement to rent or lease in effect on July 1, 2004, the landlord or the landlord's agent shall, within

1 60 days, provide to that tenant the following written disclosure:

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3 EXISTING STATE LAW REQUIRES THAT ALL EXISTING
4 RESIDENTIAL WATER HEATERS BE BRACED,
5 ANCHORED, OR STRAPPED TO RESIST FALLING OR
6 HORIZONTAL DISPLACEMENT DUE TO EARTHQUAKE
7 MOTION.

8

9 THE WATER HEATER SERVICING THE
10 SUBJECT RESIDENTIAL RENTAL
11 PROPERTY UNIT IS BRACED,

12 ANCHORED, OR STRAPPED. ~~//YES~~ ~~——~~ ~~//NO~~ ()
13 YES () NO

14

15 (e) An owner of a residential rental property shall not evict any
16 person on the basis that the eviction is required in order to comply
17 with this section.

18 (f) For the purposes of subdivision (a), “water heater” means
19 any standard water heater with a capacity of not more than 120
20 gallons for which a preengineered strapping kit is readily
21 available.

22 (g) Notwithstanding Section 669 of the Evidence Code, the
23 failure of any person to comply with this section shall not create
24 a presumption of a failure by that person to exercise due care.

25 (h) *Any building or portion thereof, including any dwelling*
26 *unit, guestroom, suite of rooms, or portions thereof, or the premises*
27 *on which it is located is deemed to be a nuisance if it is in violation*
28 *of this section. The owner or the owner’s agent shall have the right*
29 *to correct any violation of subdivision (a), (c), or (d) pursuant to*
30 *Section 17980.*

31 SEC. 3. Section 19212 of the Health and Safety Code is
32 amended to read:

33 19212. All water heaters manufactured for sale in California
34 on or after July 1, 1991, shall include a statement in the installation
35 instructions that water heater units must be braced, anchored, or
36 strapped to resist falling or horizontal displacement due to
37 earthquake motion. The instructions provided by the manufacturer
38 may include a reproduction of the generic installation instructions
39 and standard details as prepared by the Division of the State
40 Architect in accordance with Section 19215.



SEC. 4. Section 19213 of the Health and Safety Code is amended to read:

19213. Manufacturers shall add language to their instruction label on the front of the water heater that discloses the danger of falling or horizontal displacement due to an earthquake. The label shall contain the following language:

WARNING: THIS WATER HEATER MUST BE BRACED, ANCHORED, OR STRAPPED TO AVOID FALLING OR MOVING DURING AN EARTHQUAKE. SEE INSTRUCTIONS FOR CORRECT INSTALLATION PROCEDURES.

SEC. 5. Section 19215 of the Health and Safety Code is amended to read:

19215. The Division of the State Architect shall prepare generic installation instructions with standard details illustrating the strapping, bracing, and anchoring of water heaters for typical installations in single-family homes that comply with the requirements of the model codes. These details shall be made available for reproduction to manufacturers and appliance retailers at a cost to cover the state's cost to prepare the details, and respond to requests.

SEC. 6. Section 19216 of the Health and Safety Code is amended to read:

19216. At the point of sale, the retailer may provide the consumer with generic installation instructions with standard details approved by the Division of the State Architect. If provided, these generic instructions are intended to be provided to the consumer as a guide, and are not intended to supersede local codes. The retailer and manufacturer are deemed not to be liable for the generic instructions provided to consumers as long as these have been approved by the Division of the State Architect, as complying with the requirements of the model code in force on the date of approval.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

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